

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTOR HOTHOTH and AYAKO MITSUI, :
individually and as parents and natural :
guardians of infant, ALYN HOTHOTH :
:

Plaintiffs :

v. :

EDWARD F. ROSSI, M.D. :
and :
PEDIATRICS EAST OF NEW YORK, P.C. :

Defendants :

CIVIL ACTION NO: 05-CV-2609

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC # _____ DATE FILED: <u>6/25/07</u> <i>DS</i>

INFANT'S COMPROMISE ORDER

Upon consideration of Plaintiffs' Motion for Court Approval of Infant's Compromise, it is hereby ORDERED, this 22nd day of June, 2007 as follows:

- 1) The total settlement of \$492,500.00 between the parties is hereby APPROVED.
- 2) It is further ORDERED that the following deduction shall be made from the gross settlement and paid by the defendant in separate drafts as follows:
 - (a) \$169,653.63 to be paid to Layser & Freiwald, P.C. consisting of:
 - (i) \$45,371.50 for actual disbursements, costs and expenses; and
 - (ii) \$124,282.13 for attorneys' fees.
 - (b) \$12,683.90 to be paid to Victor Hothoth and Ayako Mitsui, consisting of:
 - (i) \$10,340.30 for actual out-of-pocket expenses paid by them on their daughter's behalf as a result of defendants' negligence; and
 - (ii) \$2,343.60 for travel expenses related to defendants' negligence.

- 3) It is further ORDERED that the remaining monies, \$310,162.47 be to be paid directly be the defendants or their insurer to Alyn Mitsui Hotho, in equal amounts, to be deposited in equal amounts in four separate bank accounts established in the name of Alyn Mitsui Hotho at Velocity Credit Unit, Main Branch, 610 E. 11th Street, Austin, TX 78701. Proof of deposit to be made to this Court within thirty (30) days of the date of this Order.

BY THE COURT:

 6-22-07

U.S. MAGISTRATE JUDGE